

1 Tuesday, 21 April 2009

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.07 a.m.

5 JUDGE AGIUS: So good morning, everybody. Madam Registrar, could
6 you kindly call the case, please.

7 THE REGISTRAR: Good morning, Your Honours. This is case
8 IT-05-88-T, The Prosecutor versus Vujadin Popovic et al.

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24 JUDGE AGIUS: Good morning to you, Mr. Nikolic.

25 THE WITNESS: [Interpretation] Good morning.

1 JUDGE AGIUS: And welcome once more to this Tribunal where today
2 you've been summoned to give evidence by the Trial Chamber itself.
3 You're familiar with the procedure. Before you start your testimony, you
4 are required under our rules to enter the solemn declaration that you are
5 familiar with. Please read it out aloud and that will be your
6 undertaking with us.

7 THE WITNESS: [Interpretation] I solemnly declare that I will
8 speak the truth, the whole truth, and nothing but the truth.

9 WITNESS: MOMIR NIKOLIC
10 [Witness answered through interpreter]

11 JUDGE AGIUS: Thank you. Please make yourself comfortable. Take
12 a seat.

13 THE WITNESS: [Interpretation] Thank you.

14 JUDGE AGIUS: Let me explain to you very briefly what's going to
15 happen today, and I would suppose the next few days. We have a few
16 questions for you, following which we will then hand you over to the
17 Prosecution and the various Defence teams that might be interested in
18 cross-examining you. At the end of that, you can go back to where you
19 came from.

20 Judge Prost has been delegated by us to put a few questions to
21 you.

22 Judge Prost.

23 Questioned by the Court:

24 JUDGE PROST: Mr. Nikolic, good morning. With reference to --

25 A. Good morning.

1 JUDGE PROST: -- your original statement of facts which you filed
2 with the original Trial Chamber in your matter, it was filed on the 6th
3 of May, 2003, I am asking you whether you confirm that original statement
4 of facts with the qualifications that you have provided in the statement
5 of facts -- the further statement of facts which you filed with this
6 Trial Chamber on the 17th of April. Do you confirm both of those
7 statements of facts?

8 A. Yes.

9 JUDGE PROST: And --

10 JUDGE AGIUS: One moment, Judge Prost, before you proceed, there
11 was one further thing I wanted to draw your attention to which I forgot,
12 and that is you would have noticed in the courtroom the presence of
13 Mr. Tansey, your lawyer. He will be looking after your interests here
14 during the course of your testimony. You cannot communicate with him, of
15 course, but he is free to make representations if there is anything that
16 you feel ought to be brought to our attention. Thank you.

17 Yes -- sorry, Judge Prost. Go ahead.

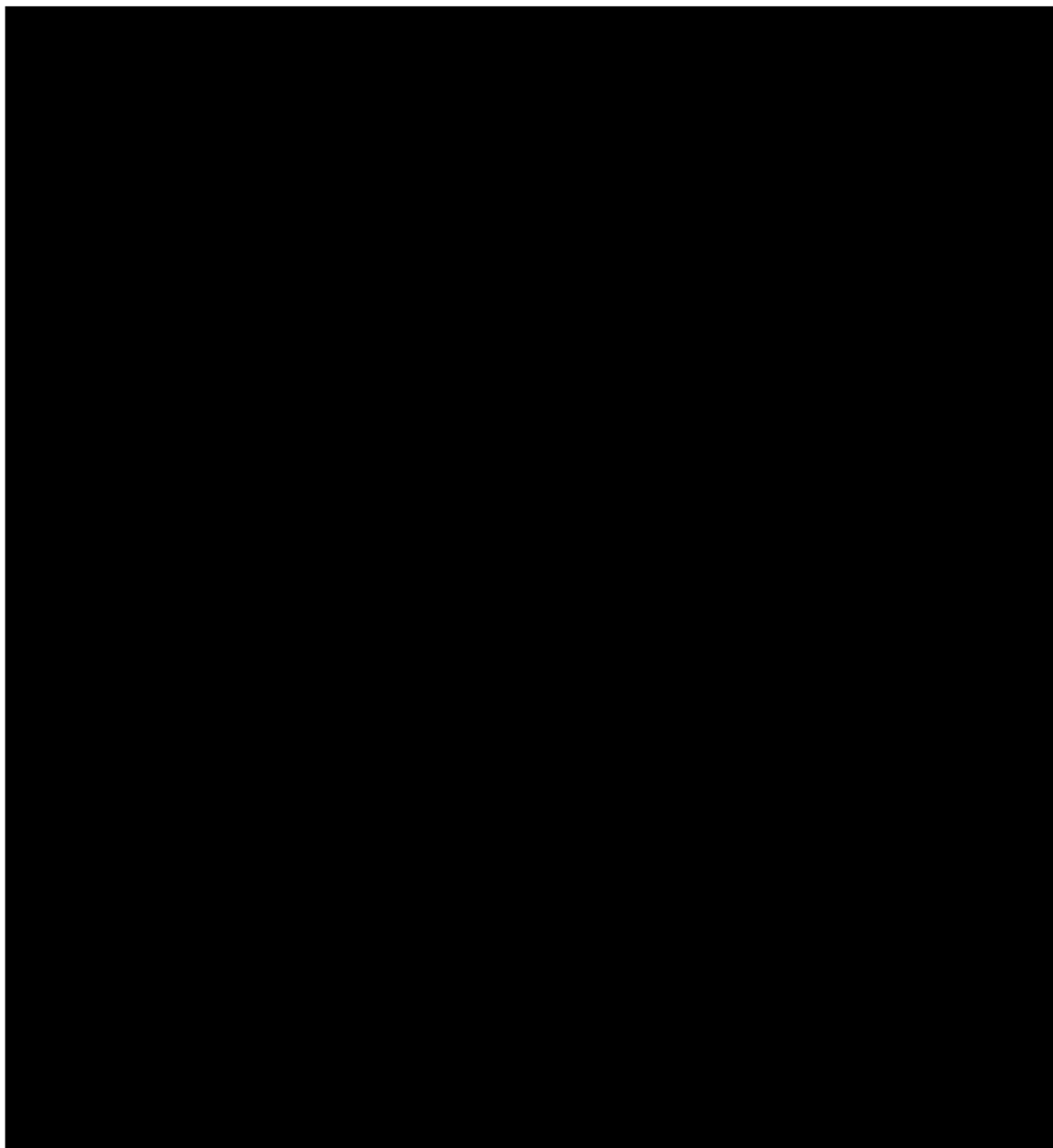
18 JUDGE PROST: And in respect of those two statements, those
19 constitute your declaration, and can you confirm that were you to be
20 examined on those statement of facts directly today that you would give
21 the same responses to any questions as you provided in those two
22 declarations?

23 A. Yes, I can confirm that.

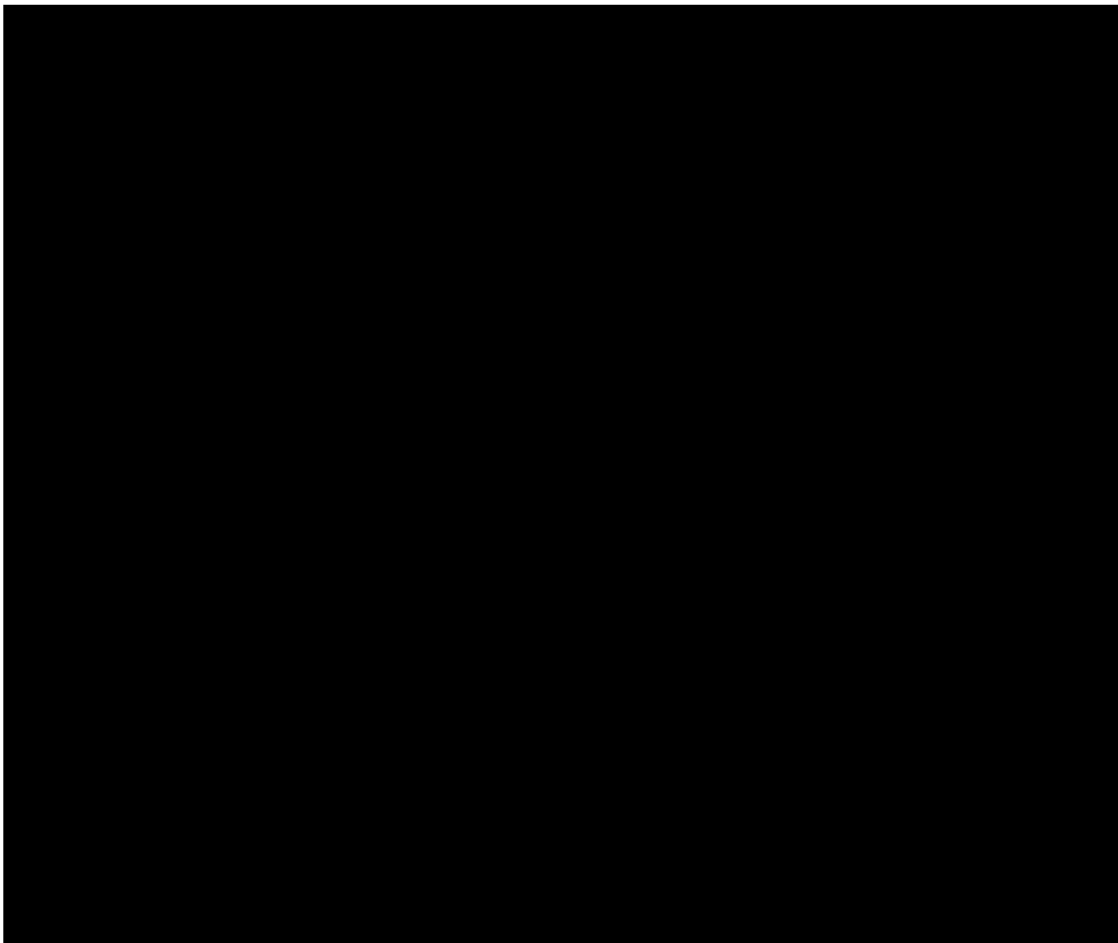
24 JUDGE PROST: Thank you. And on the basis of that confirmation,
25 the Trial Chamber is admitting into evidence the original statement of

1 facts attached to the plea agreement in relation to the case of
2 Momir Nikolic and the further statement of facts of the 17th of April,
3 2009, filed before this Trial Chamber.

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18 JUDGE PROST: Mr. Nikolic, we just have a few questions for you
19 following up from the statements which have been filed before us. And
20 initially, I'm going to address this question to Mr. Zivanovic,
21 Mr. Ostojic, Ms. Nikolic. In the content of the statement of facts
22 produced by the witness, there is reference therein to Vujadin Popovic,
23 Drago Nikolic, and Colonel Beara.

24 Now, without, of course, addressing the substance of what is
25 alleged to have been said or to have been done, I want to know from

1 counsel whether there is any dispute that the references to those three
2 individuals are references to your respective clients; and I also wish to
3 know whether you take any issue with Mr. Nikolic's ability to identify
4 those three individuals.

5 Perhaps we will start with you, Mr. Zivanovic.

6 MR. ZIVANOVIC: Do you ask me about the reference of my client
7 and ability of Mr. Nikolic to identify him?

8 JUDGE PROST: Yes, I am asking you, Mr. Zivanovic, whether you
9 accept that the references that Mr. Nikolic makes in his statement of
10 facts to Vujadin Popovic --

11 MR. ZIVANOVIC: Yes.

12 JUDGE PROST: -- are, in fact, references to your client.

13 MR. ZIVANOVIC: Yes.

14 JUDGE PROST: You accept that fact?

15 MR. ZIVANOVIC: Yes.

16 JUDGE PROST: And you don't dispute Mr. Nikolic's ability to
17 identify your client?

18 MR. ZIVANOVIC: Sorry, no.

19 JUDGE PROST: Thank you Mr. Zivanovic.

20 Mr. Ostojic, the references to Colonel Beara?

21 MR. OSTOJIC: I do, Your Honour.

22 JUDGE PROST: You dispute the references to Colonel Beara as
23 being references to your client.

24 MR. OSTOJIC: Correct, Your Honour.

25 JUDGE PROST: Okay. Thank you. Ms. Nikolic, do you dispute the

1 references to Drago Nikolic as being references to your client?

2 MS. NIKOLIC: [Interpretation] No, I don't, Your Honour.

3 JUDGE PROST: And you accept that Mr. Nikolic is in a position to
4 identify your client?

5 MS. NIKOLIC: [Interpretation] He can identify my client. Of
6 course, I dispute the context in which my client's name is referred to in
7 the statement of facts.

8 JUDGE PROST: Of course. Thank you. Then dealing, Mr. Nikolic,
9 in your original statement of facts - and I can refer you particularly to
10 section 10 of the statement of facts - if you want to have reference to
11 it. You indicate that:

12 "In the evening of the 13th of July, I was having dinner at the
13 Bratunac Brigade headquarters when I received a call from a communication
14 room to report directly to Colonel Beara in the centre of Bratunac. I
15 travelled to the centre and met with Colonel Beara at about 2030 hours."

16 Mr. Nikolic, at the time did you know Colonel Beara?

17 A. Yes, I did.

18 JUDGE PROST: You had met him on previous occasions?

19 A. Yes, I had.

20 JUDGE PROST: And what position did Colonel Beara occupy at the
21 time?

22 A. Colonel Beara, at the time, was the chief of security
23 administration at the Main Staff of the VRS.

24 JUDGE PROST: And the Colonel Beara that you are referring to, is
25 he present in court today?

1 A. Yes, he is present.

2 JUDGE PROST: And can you just, for our purposes, identify where
3 he is seated?

4 A. Certainly. He's in the back row, the second person -- or,
5 rather, the person next to Mr. Popovic. There is Mr. Popovic and
6 Mr. Colonel Beara.

7 JUDGE PROST: Thank you. Now, Mr. Nikolic, in your statement of
8 facts you describe a conversation that you had outside the Hotel Fontana
9 on the morning of the 12th of July. This is a conversation, and this is
10 in section 4 of the second paragraph, a meeting you had with
11 Lieutenant-Colonel Popovic and Lieutenant-Colonel Kosoric, during which
12 conversation you are told about the intention to separate the able-bodied
13 Muslim men and to execute them. So you have that knowledge as of the
14 morning of the 12th of July.

15 Now, you then spend, according to your statement of facts, much
16 of the day on the 12th at Potocari assisting in that separation process
17 and working with others in dealing with the movement of people and the
18 separations. You describe in particular working with Dusko Jevic, did
19 you discuss with him that day the fact that the men, the able-bodied men
20 being separated were to be killed?

21 A. Well, no. Not in the sense that we discussed it directly. In my
22 statement, and in my previous testimony, I said that I was in contact
23 with Dusko Jevic being the only officer I had contact with. At a certain
24 point in time I assisted with what the problem was at the moment, and it
25 had to do with the buses and the transport of people. It was Dusko Jevic

1 who was tasked with that. Therefore, I did not discuss any murders with
2 Dusko Jevic. Everything else, this separation and the other things that
3 were taking place, were obvious. Everyone could see that, including
4 myself.

5 In my statement, I referred to the way I was in contact with
6 Mr. Dusko Jevic, and I also said that he was the only officer I had
7 contact with. I also stated that I assisted him in transporting the
8 people from Potocari.

9 JUDGE PROST: At the same time on the same day you speak about
10 working with others in what was going on in Potocari, military and MUP
11 units, Drina Corps military police, you've listed a number of individuals
12 in section 6 of your original statement. On the 12th, did you have any
13 discussions with any of those individuals about the fact that these men
14 were to be killed?

15 A. No, no. Not on that day in front of the Fontana or at Potocari.
16 I did not have any contact with or talk to any other participants in the
17 operation of the transportation of people from Potocari.

18 JUDGE PROST: So you're saying that neither on the 12th nor on
19 the 13th during the course of that activity at Potocari, on neither day
20 did you have any discussion with anyone about the fact that these men
21 were going to be separated and killed?

22 A. No. I never testified to that effect, and I never mentioned it
23 in my statement. I never said that I discussed the murder of those
24 people with anyone in Potocari. As I explained, the next day on the
25 13th, since on the 13th I was in Potocari briefly, I stated that I saw

1 Dusko Jevic again. By mere circumstances, the military police of the
2 Bratunac Brigade was working there together with the unit commanded by
3 Dusko Jevic, or the unit that he worked with. On that day we met only
4 briefly and then I left Potocari, and on the 13th, I did not return.

5 JUDGE PROST: Thank you.

6 [Trial Chamber confers]

7 JUDGE AGIUS: Thank you, Judge Prost.

8 Mr. Thayer, cross-examination, if you have any. Go ahead.

9 MR. THAYER: Thank you, Mr. President, and good morning to and
10 Your Honours, good morning everyone.

11 Mr. President, I do have cross-examination for Mr. Nikolic. I
12 think I will be taking the allotted time to do so.

13 Cross-examination by Mr. Thayer:

14 Q. Good morning, Mr. Nikolic. Allow me to introduce myself. My
15 name is Nelson Thayer, I will be asking you questions on behalf of the
16 Prosecution today.

17 A. Good morning, Mr. Thayer.

18 Q. Sir, I want to begin by showing you a log-book I believe you'll
19 recognise, that you are familiar with. I have the original here, I don't
20 know if you have your glasses with you. You may need them. I think the
21 original will be easier to look at.

22 MR. THAYER: It is 65 ter -- actually P00220.

23 Q. I would just ask you to take a look at it and see if you can
24 recognise what it is.

25 A. What is the number of the document?

1 Q. This is our exhibit number for this trial, P0220?

2 A. Yes, yes. I understood. I do recognise the document.

3 Q. And what is it, sir?

4 A. These are the daily reports of the MP detachment -- platoon, of
5 the 1st Light Infantry Bratunac Brigade.

6 Q. What I would like to do with you, sir, is just go to a couple of
7 entries in this log-book and ask you some questions about them. If you
8 could turn to the page for the 12th to 13th of July, and you may recall
9 you can probably see that the dates are in the upper left-hand corner.
10 This is on page 16 of the original B/C/S in e-court, and that's page 13
11 of the English.

12 A. The 12th and the 13th of July, 1995. I've found it.

13 Q. Sir, there is a reference here to the UNHCR - there are a couple
14 of references, in fact - indicating that the military police were
15 securing the UNHCR at the school. And I think you've told us before -
16 and I'm just asking you to clarify before this Trial Chamber - whether
17 that reference to UNHCR is correct or if that refers to some other entity
18 that was being secured at the school by the Bratunac Brigade MPs?

19 A. I think -- or, rather, I'm absolutely positive that this is a
20 mistake of the policemen who made the entries. They did not distinguish
21 members of the UNHCR and members of the DutchBat, who were in Bratunac at
22 the time. This is, as a matter of fact, providing security to soldiers,
23 members of the DutchBat, who at the time were billeted at the school.

24 Q. And which school was that, sir?

25 A. They were billeted in the Djuro Pucar Stari high school in

1 Bratunac, that is the only high school or mid-level school there is in
2 Bratunac.

3 Q. Now, if we could turn to the page for the 14th to the 15th of
4 July, and this is at page 17, just the next page in B/C/S in the e-court,
5 and 14 in the English, sir. Do you see the entry for the 14th, 15th of
6 July?

7 A. Yes, I do.

8 Q. There is a reference here to - and I'll just quote: "The police
9 was engaged in the escort of Muslim refugees." What's that a reference
10 to for this date, the 14th?

11 A. On the 14th, in the morning, the police of the Bratunac Brigade
12 or its parts took part in the transfer of Muslim refugees as part of the
13 convoy which was departing for Zvornik.

14 Q. And when you refer to "Muslim refugees and convoy," who are we
15 talking about, sir, more specifically in terms of these Muslims; and
16 where were they before they were brought on this convoy to Zvornik?

17 A. This has to do with the Muslims who on the 12th and 13th of July
18 were separated in Potocari. It also includes the Muslims who, on the two
19 days, were captured along the road Bratunac-Kravica-Konjevic Polje and
20 subsequently transferred to Bratunac. All those Muslims, the captured
21 ones, who put in the Vuk Karadzic school building, as well as the other
22 facilities, all of them were transported on the 14th onboard buses and
23 trucks to Zvornik.

24 MR. THAYER: And if we could just turn the page, please, to the
25 next entry, and then one more page to the entry for the 17th of July,

1 please.

2 THE WITNESS: [Interpretation] I've read it.

3 MR. THAYER:

4 Q. There is a reference here in the log to:

5 "One police patrol remained in Pilica to secure and guard the
6 Muslims."

7 Can you tell the Trial Chamber what that refers to and how you
8 know that?

9 A. Yes. I made a slight correction in the additional statement of
10 facts. It is a matter of terms which, however, do not change the essence
11 of what took place. A patrol of the military police of the Bratunac
12 Brigade on the 17th of July remained in Pilica in order to secure the
13 captured and detained Muslims in the facilities in Pilica. I learned of
14 that subsequently, not on the same day, not on the day when they were
15 held there, but later, from the commander of the MP platoon of the
16 Bratunac Brigade, Mirko Jankovic, who told me that a patrol remained
17 there.

18 What was the other part of the question? I think there was
19 something else.

20 Q. Actually, there wasn't, sir, you've covered it, but I do have a
21 follow-up question.

22 A. Very well.

23 Q. How much later from this day did Mirko Jankovic tell you that a
24 patrol had remained in Pilica?

25 A. I couldn't tell you precisely. Perhaps a day or two later. I

1 truly cannot recall. I do not remember the exact date. In any case,
2 immediately afterwards, one or two days at the most after they were held
3 there.

4 Q. Okay. I want to look at just one more entry in this log. If you
5 could - and this is at page 24 of the original, and it's -- should be the
6 last page in the English, page 21. I think it's an additional
7 translation that was done.

8 And, sir, I'd ask you to look for the entry for the 23rd and 24th
9 of July.

10 A. I read it.

11 Q. There is a reference here to six Muslims who are brought in and
12 are now in custody; two other Muslims were brought later but sent back to
13 Skelani because they had cut their throats, so they were sent back. What
14 can you tell the Trial Chamber about these two prisoners?

15 JUDGE AGIUS: One moment, Mr. Nikolic.

16 Ms. Nikolic.

17 MS. NIKOLIC: [Interpretation] Your Honour, this is not an
18 objection. It seems that the date on the English version and the B/C/S
19 version do not correspond. In B/C/S, it says the 22nd and the 23rd;
20 whereas in the English we have the 23rd and 24th of July, 1995. I do
21 believe that the body of text is the same, but that there is a mistake in
22 terms of dates.

23 JUDGE AGIUS: All right. So according to you the correct dates
24 are 22nd and 23rd, I suppose.

25 MR. THAYER: I thank my friend. That is a simple mistranslation

1 in the English.

2 JUDGE AGIUS: All right.

3 JUDGE KWON: It's not a mistranslation it's the wrong page, they
4 showed the wrong page.

5 MS. NIKOLIC: [Interpretation] Yes, it was the wrong page.

6 JUDGE AGIUS: Okay. Thank you, Ms. Nikolic. Thank you,
7 Judge Kwon.

8 Mr. Thayer, you may proceed.

9 THE WITNESS: [Interpretation] May I reply? Regarding the two
10 captured Muslims who were brought to the Bratunac Brigade, it concerned
11 the following: They were captured, as far as I know, in Skelani, by the
12 Skelani Battalion. The commander of the Skelani military police brought
13 them to the Bratunac Brigade wanting to hand them over. I did not allow
14 that. The MP commander spoke with me, and I told him that the two
15 detainees were not to be put in custody or detained there, but that they
16 should see a doctor, that they should go to the health clinic. They were
17 in need of medical assistance, not to be put in I gaol.

18 I don't know what the fate of the two men was. I do know that
19 they were not handed over to the Bratunac Brigade. They put them back in
20 the vehicle they had come with and took them away. That's what I can
21 tell you about the two Muslims.

22 MR. THAYER:

23 Q. Okay. Thank you, sir, we are done with that document. You can
24 close up the log and we'll move on. Thank you.

25 I want to turn your attention to the period of time immediately

1 before the Serb forces entered Potocari. Did you have an occasion to be
2 at Zuti Most at some point at Yellow Bridge prior to the Serb forces
3 actually entering Potocari and, if so, did you meet with any VRS or MUP
4 commanders at that time?

5 A. Could you be more precise, if possible? I met people at
6 Zuti Most a great many times. If you have the dates of operation in
7 mind, then I can tell you that on the 11th of July at Zuti Most, I met
8 with Mr. Borovcanin.

9 Q. Can you tell the Trial Chamber about that meeting? How did it
10 come about and what happened?

11 A. On that day, the 11th, I was notified and told to come to
12 Zuti Most. I was told that Colonel Borovcanin was there with part of his
13 forces that accompanied him. I arrived there some ten or 15 minutes
14 later, Mr. Borovcanin asked me or, rather, we talked about where were the
15 positions, the targets of Muslim units that could be seen from Zuti Most.
16 This was supposed to include the targets on the left-hand side of the
17 road and the right-hand side of the road in the direction of Bratunac and
18 Srebrenica.

19 To be specific, on the left-hand side it was the village of
20 Likari and the positions and fortified positions there. On the
21 right-hand side of the road, it had to do with the village of Budak where
22 also there were fortified Muslim forces. There were bunkers, fortified
23 buildings, et cetera. The basic reason why Mr. Borovcanin asked me to
24 tell me about that was that I was the chief of the security intelligence
25 organ at the Bratunac Brigade, and I had information where certain

1 fortifications were.

2 As for why Mr. Borovcanin asked me that was to engage the targets
3 directly from the area of Zuti Most. That is basically the long and
4 short of it. I did indicate to him the positions I knew about, and the
5 information that I had concerning the enclave. Mr. Ljubisa Borovcanin
6 then subsequently engaged the targets using a T-55 tank. I also need to
7 add that at that time when Mr. Borovcanin was firing at those positions,
8 I subsequently learned and had information that on the 11th in the
9 afternoon, at those positions there were no longer any Muslim forces
10 left.

11 Q. Just a quick follow-up, sir. You referred to Mr. Borovcanin as
12 Colonel Borovcanin. Is that how you knew him at the time, by that rank?

13 A. As far as I know, I think he was a colonel with the police, but,
14 however, I am not absolutely sure. I do believe that this was -- he was
15 addressed in that manner by his soldiers and by the people who knew him,
16 but I am not sure which ranks existed in the police at the time.

17 Q. Turning your attention to that evening, sir, I want to see if we
18 can get a sense of what the intelligence picture was that you had going
19 into the evening of July 11th. Can you tell the Trial Chamber what
20 information you had regarding Muslim men in the area of Potocari and
21 what, if anything, you did with that information that night?

22 A. On the evening of the 11th or, rather, in the afternoon as well,
23 a large number of Muslims were walking towards the UNPROFOR compound, and
24 they eventually arrived there in Potocari. Some previous information
25 that we had and the current information also received from reconnaissance

1 units from the battalions and units who were in direct contact with the
2 Potocari sector indicated that among the civilian refugees from
3 Srebrenica there was a large number of Muslim men in Potocari, among them
4 those who were fit for military service.

5 According to our estimate, and I underline these were our
6 estimates as well the estimate of those people who were working on these
7 issues and directly observing this whole process, say that there were
8 between 1.200 and 1.500 able-bodied Muslim men. I can explain to you
9 very briefly on what our estimates were based. For a very long time
10 there were 50, 60, even 70.000 men at one point in the area of
11 Srebrenica, and I am talking about the municipality of Srebrenica.

12 Of course, such a large number of able-bodied men, due to the
13 lack of weapons, were not militarily engaged in units, but they were fit
14 for military service. So on the basis of this estimate we assessed that
15 at the time between 1.000 and 2.000 able-bodied men were in Potocari.

16 All this information received on that day, primarily from the
17 2nd Infantry Battalion, and that was the battalion in direct contact with
18 the Potocari compound and that area, therefore, this information plus an
19 analysis of the overall situation prevailing on the evening of the 11th,
20 I put together into an intelligence report which through usual channels I
21 faxed to the intelligence service's department -- intelligence and
22 security department of -- of the Drina Corps. I also orally informed one
23 member of my command, and that also happened on the evening of the 11th.

24 Q. And just briefly, sir, who was that member of your command?

25 A. That evening, I informed members of the command who were present

1 in the Bratunac Brigade HQ, these are staff officers who were part of the
2 corps command. And, of course, all this information and intelligence was
3 relayed to my commander as well, which is absolutely a regular procedure,
4 and I'm talking about my commander, Vidoje Blagojevic.

5 Q. Now, during this period of time - and I'm talking about the
6 Krivaja 95 operation and the days immediately following - there was a
7 Main Staff intelligence officer by the name of Colonel Radoslav Jankovic
8 present in your brigade; is that correct?

9 A. Yes, that's correct.

10 Q. And where did he make his office during this period of time?

11 A. During that period, Colonel Jankovic was sharing an office with
12 me.

13 Q. And during the 11th of July, did you share this information
14 regarding the number of Muslim men in Potocari directly with
15 Colonel Jankovic, sir?

16 A. Well, let me tell you, there was no need for me to convey this
17 information to Colonel Jankovic because Colonel Jankovic was aware of all
18 the information that arrived in my office and vice versa. So he knew
19 absolutely everything that was happening in that period on that day or
20 that evening, and he knew everything about the manner, time, and content
21 of my report going out into the superior command. And you can see it
22 from the documents, we very often worked together on these reports.

23 So, Mr. Colonel Jankovic wrote his reports from my office and
24 sent it out in the name of the organ for security and intelligence
25 affairs of the brigade. In other words, Colonel Jankovic knew about this

1 information and about the overall situation in the -- in Potocari at that
2 time.

3 Q. Now, going into the morning hours of 12 July, sir, [French on
4 English Channel].

5 MR. THAYER: I'll keep trying, still French.

6 JUDGE AGIUS: If that could be corrected, please. It's not that
7 I don't like French, but. All right. Is it okay, now? I don't think we
8 are receiving interpretation in French anymore now. Let's proceed, thank
9 you.

10 MR. THAYER:

11 Q. Again, focussing on the intelligence picture that you had going
12 into the morning of 12 July, had you received more information about the
13 whereabouts of the Muslim men from Srebrenica that morning?

14 A. Yes, already in the morning of the 12th and later on, even more
15 intensely, information started pouring in that elements of the Muslim
16 forces who were pulling out towards Muslim-controlled or free territories
17 were in the Jaglici and Susnjari sectors, and that they are using this
18 axis for pulling out of Srebrenica. Yes, we did have this information.

19 Q. And presumably that information is being received and then sent
20 up both the intelligence chain as well as the command chain so that the
21 appropriate individuals and organs are notified; is that fair to say?

22 A. That's correct.

23 Q. Now, I want to spend a little bit of time with you, sir,
24 discussing this conversation that you had with Colonels Popovic and
25 Kosoric in front of the Fontana before the third meeting in the morning

1 of 12 July.

2 You've already spoken a little bit in answer to Her Honour's
3 questions, but I want you to please, if you can, provide as much detail
4 as you can for the Chamber about how this discussion came about.

5 A. First of all, I have to explain in detail in order to avoid any
6 you misunderstandings. What happened in front of the Fontana was in no
7 way a meeting.

8 That's the first thing that I would make -- or like to make
9 clear. So at 10.00 on that day, that was on the 12th, a third meeting
10 had been set between the Dutch battalion, representatives of the Muslim
11 side, representatives of the civilian authorities of Bratunac, and
12 representatives of the MUP, police, and Army of the Republika Srpska.
13 You know who participated in this meeting. I can give you these names,
14 but I don't think it's necessary.

15 Immediately before the meeting started, Mr. Popovic was supposed
16 to take part in this third meeting and we met each other in front of the
17 Fontana Hotel for a very short period of time, five minutes, seven
18 minutes, but not more than ten minutes. That's how long we spent in
19 front of the hotel. And the conversation went more or less like this: I
20 asked him what was going to happen next. I knew all the details about
21 the situation, and I heard at the previous two meetings what the plans
22 were and what the general mood was.

23 Mr. Popovic answered that probably the Muslim forces or, rather,
24 the civilians, women and children, and people who are not fit for
25 military service, that this whole population would be transported to the

1 Muslim-controlled territory which implied the town of Kladanj. He also
2 said that the so-called screening would be carried out in order to
3 separate able-bodied men, to identify those who had committed or who are
4 suspected of committing war crimes, et cetera. However, at this point in
5 time, I really have to provide an additional information.

6 After all this, something happened that was absolutely never
7 planned nor did I grasp from my conversation with Mr. Popovic that
8 something could happen. Except in the first convoy, our -- not only
9 able-bodied men were separated, but all, all men who were in Potocari
10 were separated from their families and put on bus -- actually, first
11 detained in Potocari.

12 Therefore, I asked Mr. Popovic what was going to happen to these
13 men because, to be honest, not even then I couldn't -- could understand
14 why these men were being set aside. What was the purpose of all that? I
15 was given a simple answer, Popovic told me in his usual way of putting
16 things: All the baliya have to be killed. That was, in a nutshell, my
17 conversation with Popovic.

18 In light of the circumstances and the situation that these men
19 were going to be separated, I said that the only area in Bratunac where
20 it is possible to detain these Muslims after they had been separated were
21 the facilities in Bratunac, i.e., Vuk Karadzic elementary school, the
22 hangar, and some facilities situated in that part of the town. All those
23 who were separated in Potocari were, indeed, transported and detained in
24 the Vuk Karadzic elementary school, in the old school in Bratunac, in the
25 hangar, and other facilities located in this district of the town. This

1 is what happened.

2 A similar conversation took place after the meeting between
3 myself and Mr. Kosoric. He also kept saying that all the Muslims will be
4 deported to Kladanj, that the screening will take place in order to
5 separate the able-bodied men and those who were suspected of being war
6 criminals, and as I said, this conversation is almost identical to the
7 one that I had previously.

8 One more thing happened at that time is the following, but of
9 course it took place after the meeting, and that is that I had a
10 conversation with two officers from the Dutch Battalion. They asked me,
11 Mr. Nikolic, what is going to happen next? I told them everything is
12 settled, everything is regulated, the buses will be here and you go back
13 to Potocari and wait for the buses. This would be briefly the summary of
14 my conversation with Mr. Popovic. Before the meeting, Mr. Petar Sumljic
15 [phoen] was also present there, including later two members of the Dutch
16 battalion with whom I spoke after the meeting at around 10.00.

17 Q. Sir, I want to go back and focus on your statement of facts. If
18 you have it there, and this is at section 4 of the statement of facts.
19 And that would be -- and this is 65 ter 4489 in e-court.

20 JUDGE AGIUS: Can anyone -- yes, but can anyone identify the
21 source of this noise, if it's near enough to him? Just want to make sure
22 that it's not some kind of gas leak or whatever.

23 [Trial Chamber and registrar confer]

24 JUDGE AGIUS: I think it's safe advice. We'll have a break now
25 for 25 minutes. Thank you. But also we need to establish whether the

1 noise or whatever is also in there where the accused and the witness are
2 being kept, because if it's something that needs to be attended to I want
3 to make sure that they are safe. Thank you.

4 --- Recess taken at 10.21 a.m.

5 --- On resuming at 10.51 a.m.

6 JUDGE AGIUS: Yes, Mr. Thayer. You've been putting questions for
7 44 minutes already. May I just remind you that this is not a direct.
8 You are cross-examining the witness, and you are entitled to go straight
9 to the point if you so wish, instead of going around in circles.

10 Yes, let's continue.

11 MR. THAYER: Thank you, Mr. President.

12 Q. Sir, let's go straight to where we were before, which is section
13 4 of your statement of facts regarding this conversation that you had
14 with Colonel Popovic before the third Fontana meeting. Have you had a
15 chance to read that, sir?

16 A. Yes, I've looked at it.

17 Q. Now, in the statement of facts, you're very clear that:

18 "Popovic told me that the thousands of Muslim men and women in --
19 Muslim women and children in Potocari would be transported out of
20 Potocari towards Muslim held territory near Kladanj and that the
21 able-bodied men, Muslim men, within the crowd of Muslim civilians would
22 be separated from the crowd, detained temporarily in Bratunac, and killed
23 shortly thereafter."

24 That's the way the conversation happened, isn't it, sir?

25 A. Yes. What you have just quoted, I said a minute ago as part of

1 the explanation that I provided in response to your question. Maybe not
2 in so many words, but basically this is what I stated.

3 Q. Now, sir, there was one thing I was a little bit confused about
4 your answer before we broke. You made a reference to Muslims who were
5 being permitted to leave on the first convoy on the 12th of July. I just
6 want to make it clear, this conversation that you had with
7 Colonel Popovic before the third Fontana meeting happened before any of
8 the convoys left Potocari; isn't that correct?

9 A. Yes, certainly.

10 Q. And it is also correct, is it not, that as you told the RS
11 [sic] Commission in answers to their question, this is at paragraph 26,
12 you first realised that the Muslim men would be killed when you spoke to
13 Popovic during this conversation; that's correct too, isn't it?

14 A. Yes, that's correct. That's when it dawned on me for the
15 first time, and I think I was right in understanding the situation like
16 that.

17 Q. Now, in the -- in your Trbic testimony -- and this is at pages 29
18 and 30 for my friends -- you made some references to Mr. Popovic and
19 Mr. Kosoric being agitated and angry when they were talking about the
20 Muslims having to be killed; do you recall that?

21 A. I do, but I don't remember in which particular context I said
22 that. I can only repeat that not only Mr. Kosoric and Mr. Popovic were
23 agitated, angry, and nervous, everybody else was nervous, I, myself,
24 included; and the answer is that all these people who you have mentioned
25 were both nervous and angry.

1 Q. But I just want to make sure that we are clear about this
2 conversation, sir. Your understanding during this conversation was that
3 Colonel Popovic and Colonel Kosoric were looking for detention facilities
4 as well as execution sites; correct?

5 A. I wouldn't use -- I have -- I received translation that they were
6 looking for detention facilities. A short while ago in my testimony, I
7 said that it was me who suggested and told them that there are facilities
8 which were ear-marked for detention of the Muslims, i.e., the
9 Vuk Karadzic elementary school and the other facilities that I mentioned
10 earlier.

11 Q. And how about the Ciglane brickworks factory and the Sase mine
12 location that were suggested as execution sites. Was that something you
13 just came up spontaneously with, or were you asked to provide potential
14 sites for the execution of the prisoners?

15 A. Nothing in similar, nothing specific, no requests or suggestions
16 were made. Quite simply, we discussed the issue and I, along with the
17 two of them I mentioned as the locations where these men separated in
18 Potocari and were temporarily detained can be executed. I manage -- I
19 mentioned the brick factory and the Sase mine.

20 Q. Subsequent to this conversation, you had a conversation with
21 Colonel Jankovic after the third Fontana meeting.

22 A. Yes.

23 Q. Now, your statement of facts indicates what the task was given to
24 you by Colonel Jankovic, and you've expressed in your amended statement
25 of facts that very clearly that you were not acting as a commander and

1 were not in a position to coordinate anything in the sense that
2 coordination implies elements of the command function. Do I have that
3 correct?

4 A. Yes, you're right.

5 Q. Now, for the record, Prosecution agrees with you, sir, that you
6 were not a commander during this period of time. What I want to do is
7 turn to your statement of facts - and this is 65 ter 4483, the amended
8 statement of facts. And I'll just read two sections to you. And this is
9 at page 3 of the English:

10 "As a reserve captain I neither coordinated nor supervised the
11 transportation. That could only be done by high-ranking officers from
12 the Drina Corps, the VRS Main Staff, and the RS MUP who had the power to
13 issue orders and make decisions on their own."

14 And then further down you state that:

15 "The commanders or forces engaged in Potocari did not do anything
16 to prevent their own units over which they had control and which they
17 supervised from committing these abuses."

18 When you speak of the commander, sir, who exactly are you talking
19 about?

20 A. I was referring to the commanders of units that were engaged in
21 Potocari.

22 Q. Can you give us any examples that you know by name?

23 A. I can give you the name of the units that were engaged in
24 Potocari or elements thereof. Of course, I know the names of the
25 commanders, or a number of them; I don't know exactly who the commanders

1 of the other units were. I can mention and enumerate the units that I
2 can positively say were present in Potocari.

3 Q. Okay. Well, I think you've done that in your statement of facts,
4 so we don't need to repeat that there.

5 A. Very well.

6 Q. Just want to turn your attention back to Colonel Jankovic of the
7 intelligence organ, and I'll just go directly to the document. It's
8 65 ter 260.

9 A. Yes, I've seen it. I know which document we are talking about.

10 Q. Now, if we - and I would want to clarify two issues with respect
11 to this document, sir - if we go to the last page of the handwritten
12 document in the original, at the bottom.

13 MR. THAYER: If we can scroll down to the bottom of the original,
14 all the way down. Thank you.

15 Q. There are some initials there. Can you tell us what those
16 initials are, sir?

17 A. I see the initials Radoslav, maybe Jankovic, I think that's
18 Colonel Jankovic's initials in the left-hand corner.

19 Q. So that would be RJ, sir?

20 A. Yes.

21 Q. Now, if we look at this last paragraph, Colonel Jankovic is
22 asking what to do with the MSF and UNPROFOR staff. And this is again the
23 last page in the handwritten and paragraph 3 of the English. When you
24 were interviewed in 2003, you told us that what Colonel Jankovic was
25 asking about here was to either let these individuals be evacuated or

1 have them joined -- join the other separated Muslims. Do you remember
2 telling us that, sir? That that's what this memo is about, and if you
3 want I can take you to the transcript page for it, but do you remember
4 telling us that?

5 A. I do. I remember well what I said. I still assert that what I
6 said then was true, and I can confirm that here today.

7 Q. And what is also true that you told us back then was that
8 Colonel Jankovic understood, and this is the reason why he was asking so
9 specifically, was that the men among those individuals who would be
10 separated, if they were to be separated and not evacuated, would be
11 killed. Do you remember telling us that as well, sir?

12 A. I still think the same thing. If you were to ask me that now, I
13 would offer the same opinion. Had they been separated they would have
14 been killed, much as the rest.

15 Q. I want to ask you some questions now, sir, about Potocari. You
16 told us already that you were dealing with Dusko Jevic, and as far as you
17 understood his immediate superior was Colonel Borovcanin; correct?

18 A. Yes.

19 Q. And can you tell the Trial Chamber with respect to the men who
20 were being commanded by Colonel Borovcanin and Dusko Jevic who were at
21 Potocari, what was the chain of command that was operating at that time?
22 In other words, who commanded those special police brigade forces and
23 other MUP forces who are in Potocari during the separations and
24 transportations on the 12th and 13th?

25 A. Sir, it's a difficult question to be put to me. I'd rather not

1 go into commenting on the line of command and control in the MUP. The
2 only reason why I don't want to talk about it is because in principal I
3 know how it worked, but precisely and accurately as regards the mutual
4 relationships within the chain during the operation, that is something
5 that I am not fully familiar with. I am only familiar with it generally
6 speaking, and probably it applies to Potocari as well; but it is for that
7 reason I would kindly ask you not to require from me to define the system
8 of command and control of the MUP, because I am not fully familiar with
9 it.

10 Q. Don't worry, sir, I am not asking you to be a MUP expert. We've
11 already heard from a couple of those guys. What I am asking you is, for
12 example, were you in command of these special police brigade forces in
13 Potocari on the 12th and the 13th?

14 A. No, I was not. I was not in command of any brigades or units,
15 police units, that were engaged in Potocari.

16 Q. To your knowledge was anyone from the Bratunac Brigade commanding
17 the MUP units in Potocari on the 12th and 13th?

18 A. No.

19 Q. What was your understanding in terms of the respective chains of
20 command, not in terms of the intricacies of how they were operating, but
21 in terms of how the various units were operating together in Potocari?
22 How were the members of these individual units, for example, the special
23 police brigade, the Drina Corps MPs that you saw there, the Drina Wolves
24 that you saw there, how were they receiving their orders in order to know
25 what to do in Potocari on the 12th and 13th?

1 A. I'll try to the extent possible for me to explain what you are
2 asking. According to the things I know, in Potocari there were certain
3 units of the special forces, the special forces brigade, of the MUP.
4 What I know is that the commander of the forces from the special MUP
5 brigade was Mr. Borovcanin.

6 In addition to the special MUP brigade units in Potocari, there
7 was also the police of the so-called -- well, they were called PJPs. PJP
8 units had their own commanders. They had their own "komandir" and
9 "komandant" who was in command of all those PJP forces. As regards any
10 other units in Potocari at the time, the battalion of the Bratunac
11 Brigade had its own commander who was in direct command and control of
12 the battalion pursuant to the brigade commander's orders.

13 Then there were units from the Main Staff that were directly
14 subordinated to their own respective commanders from the areas they had
15 arrived from. There were parts of the 65th Protection Regiment that were
16 subordinated to the commander of the regiment, i.e., the commander who
17 was present in Potocari. As for all other units from the Zvornik and
18 other brigades, they had their commanders. They were directly answerable
19 to the commander of the unit engaged pursuant to brigade commander's
20 orders. In principal, that is what I can tell you about it.

21 What I think is this: Control over all MUP units, I may be wrong
22 in saying this, but this is what I think, control over the units of the
23 special MUP brigade as well as the PJP units and the police units from
24 the public security station in Bratunac, as well as all other police
25 forces engaged in Potocari and in its environs, in my belief were under

1 direct command -- sorry, control of the chief of the centre,
2 Mr. Dragomir Vasic. What General Krstic had within his purview as the
3 command of the corps in terms of military forces, the same applied to
4 Mr. Vasic when it came to police forces. That was my understanding of
5 the engagement and command in the operation of evacuation from Potocari.
6 That is my view about the way these units were engaged and commanded over
7 within the police structure and military structure.

8 All forces that were engaged in the Srebrenica operation, and the
9 operation of forcible transfer from Potocari, were commanded and
10 controlled by the Chief of Staff General Krstic and the commander of the
11 Drina Corps. Of course, once General Mladic was in the field in the area
12 of Bratunac, then, of course, it was well known that it was
13 General Mladic who made decisions, ordered through his subordinate
14 officers, those being commanders of the corps, brigades, and all other
15 units that took part in Operation Srebrenica. That is, in short, how I
16 understand the chain of command and control of the units engaged in
17 Operation Srebrenica and during the transport operation.

18 Q. And so just to tie that up, based on what you observed and what
19 you understood, you had Colonel Borovcanin commanding, controlling,
20 Dusko Jevic. How does he fit into Dragomir Vasic and his command and/or
21 control?

22 JUDGE AGIUS: Yes, one moment, Mr. Nikolic.

23 Mr. Gosnell.

24 MR. GOSNELL: Mr. President, first of all that question misstates
25 the answer. And, secondly, that's now the third time that my learned

1 friend has referenced my client as Colonel. The witness's answer on that
2 point was clear, and I object to that being repeatedly put in the record
3 what that does not reflect what the witness said.

4 JUDGE AGIUS: Yes, we don't need any comments on your last
5 remark, but in relation to the alleged misstatement, what do you have to
6 say, Mr. Thayer.

7 MR. THAYER: Mr. President, I am simply following up on this
8 answer that the witness gave about his understanding of how it worked
9 based on his experience there. He's talked about Mr. Vasic, and I think
10 the natural follow-up question is, Okay, well, how did the men that you
11 saw on the ground in Potocari fit into that? I think it's a perfectly
12 natural follow-up question.

13 JUDGE AGIUS: Its not a question of whether it's a natural
14 follow-up question, it's whether you are making a statement which
15 reflects truthfully and faithfully what the witness has stated or whether
16 you are twisting it somewhat as Mr. Gosnell is suggesting.

17 MR. THAYER: Well, Mr. President --

18 JUDGE AGIUS: I think he -- again, go straight to the question
19 you need to ask in relation to the possible relationship between
20 Borovcanin and Dusko Jevic according to the transcript. And --

21 MR. THAYER: I'll repeat my last question, Mr. President.

22 Q. How did Mr. Borovcanin and Mr. Jevic fit into this command
23 structure as you understood it with Mr. Vasic?

24 A. It is difficult for me to answer that how Mr. Borovcanin fit
25 within the command structure. It is my view that it was standard

1 structure prescribed by -- under law that was in place. I see no other
2 logical explanation. In my view, the chief of centre, if I compare it to
3 the army, what is within the remit of the security centre would
4 correspond to the territory, perhaps not all of it but more or less the
5 same territory under control of the corps commander. All forces within
6 the area of the corps commander are subordinated to that corps commander.
7 He is the boss and he is answerable for the actions of his subordinates.

8 I apply the same logic to the MUP. If there is a chief centre
9 [as interpreted] in Bratunac and there were commanders of the brigade
10 special forces of the MUP that were introduced in the area, as well as
11 PJP units, which were at the level of the centre in terms of staffing,
12 then the security stations and all of their forces, if we take all that
13 into account, it is my conclusion that that relationship was the one that
14 would be logical and valid within the framework of the MUP forces
15 present. I cannot arrive at any other conclusion, and that is all I can
16 tell you about it.

17 I may be mistaken. I have to reiterate I am no expert. I am not
18 knowledgeable on MUP structure. I don't know what the relationships are
19 within the chain of command, control, resubordination, et cetera, et
20 cetera. I am not familiar with it to the extent needed to meet the
21 requirements contained in your question.

22 Q. Let's move to Konjevic Polje --

23 JUDGE AGIUS: Yes, before you do so, Mr. Gosnell.

24 MR. GOSNELL: I apologise for the interruption. Apparently,
25 there is either a transcription or translation error at page 37, line 1.

1 Instead of "If there is a chief centre in Bratunac," apparently the words
2 were "If the chief of the centre is in Bratunac."

3 JUDGE AGIUS: Thank you. Let's proceed.

4 MR. THAYER:

5 Q. Let's move to Konjevic Polje. You refer in your statement of
6 facts to seeing Nenad Deronjic there on the 13th of July. How did you
7 know Mr. Deronjic to recognise him, sir?

8 A. I knew Deronjic firstly because I used to be his teacher;
9 secondly, because he is a local. He hailed from a village that I hail
10 from. I had known him from civilian life, and I used to be his
11 high school teacher.

12 Q. And at the time were you aware that he was a member of the
13 2nd Company of the Zvornik PJP, sir?

14 A. No, I did not know that he was a member of the Zvornik PJP
15 company. I did know that he was a member of the police force without
16 knowing which unit he belonged to.

17 Q. And you also referred to another individual named Mirko Peric,
18 and who is he and how did you recognise him?

19 A. Yes. It was another police member. I think he belonged to the
20 public security station in Bratunac. I have known him for a long period
21 of time. He is senior to me, and I had known him as a member of the
22 police station in Bratunac. I know him personally.

23 Q. And from what you could see, sir, both of them were there in
24 their official capacities as police officers; correct?

25 A. Yes, I suppose so. They were engaged there, and I saw them there

1 when I was going to Konjevic Polje.

2 Q. You also refer to taking Resid Sinanovic to Bratunac and leaving
3 him with Zlatan Celanovic, a lawyer who is attached to the Bratunac
4 Brigade military police platoon. Can you tell us a little bit about what
5 you understood Mr. Celanovic's position and duties to be?

6 A. I can. The light infantry brigade, that is to say my brigade was
7 a light infantry brigade. In terms of establishment it had two
8 functions: The intelligence and security one. And there were organs,
9 respectively. Under law, I as the person representing the intelligence
10 organ in a light infantry brigade was not an authorised official. I had
11 no authority to conduct any affairs dealing with criminal law, and that
12 should be clear straight away. Mr. Celanovic was engaged pursuant to an
13 order and decision of the brigade commander. He was in charge of all
14 procedure that had to do with collection, processing, and preparation of
15 all criminal reports for certain crimes committed by members of the
16 Bratunac Brigade or that they were suspected of committing.

17 In addition to that, in terms of percentages, in some 90 percent
18 of the cases, he also conducted interrogations of the prisoners of war
19 and all those who were brought in under that status. Based on that, he
20 would compile minutes and reports that he would send to the commander.
21 What was of interest to me as the security organ -- well, he would
22 forward to me such type information. There are countless examples of
23 that.

24 I received a number of criminal reports by Mr. Celanovic and
25 reports on similar matters within the framework of the brigade. To put

1 it briefly, that was his main task.

2 THE INTERPRETER: Could Mr. Thayer kindly speak into the
3 microphone. Thank you.

4 MR. THAYER:

5 Q. Sir, while you were at Konjevic Polje you had an encounter with
6 General Mladic. Can you tell the Trial Chamber about that, please.

7 A. Yes. I encountered General Mladic in Konjevic Polje on the 13th
8 of July. After 12.30 or so, the time may have been half an hour prior or
9 later, but it was within that period that General Mladic came. I went
10 out, I greeted him, briefed him, and the obligation number one for me -
11 and it is why I had gone to Konjevic Polje the first time around - to
12 check the safety of the road to be travelled by General Mladic.

13 I told him that things were fine, that there were no problems,
14 and General Mladic spent some time in Konjevic Polje. He talked to a
15 group of captured Muslims who were in Konjevic Polje then. After that,
16 he told them that they shouldn't worry, that things would be fine, and
17 that they were to be transported safely to their desired locations.

18 After that conversation with them, he moved about that area and
19 he went back to his vehicle. I asked him then, General, sir, what are we
20 going to do with these people? Because from one moment to the next there
21 were more and more people who were captured. There were men, of course,
22 there were those who had surrendered, and when I asked him, General, sir,
23 what is going to happen with these people, General Mladic made a gesture.
24 He did this. There was no other comment on his part. He just made a
25 gesture and that's it. And there was no other conclusion I could draw

1 other than those people being -- that they were going to be killed, and
2 that is precisely what took place in Konjevic Polje.

3 Q. And for the record the gesture you are describing is one of
4 drawing your hand from left to right, palm facing down, just straight
5 across chest level; correct?

6 A. Yes, that is what I saw. That is what he indicated then. Two
7 minutes later he was in his car and went on from Konjevic Polje onwards.

8 Q. Now, when you testified in -- in the Blagojevic trial, and this
9 is at page 2245 of the transcript for my friends, you stated that:

10 "I understood that to mean that those men would be killed." And
11 then you went on to say: "Actually, I saw that to be a confirmation of
12 what was already happening."

13 Can you explain that to the Trial Chamber a little bit, please.

14 A. There is nothing in terms of details that I can add. He
15 indicated it, and in my view it could mean nothing else as was confirmed
16 later. He meant precisely that. I have no further explanations to
17 offer. It is perfectly clear to anyone familiar with the gestures used.
18 I see no need to offer any other explanation. It is certainly clear to
19 me as well as to all the others who saw me making the gesture. It is
20 clear what the General meant.

21 Q. Just to clarify for the transcript, it says:

22 "The others who saw me making the gesture," it was General Mladic
23 making the gesture, correct, sir?

24 A. No, no, no. I did not play that role. I had no authority. I
25 was not in a position. Everything I said had to do with General Mladic.

1 THE INTERPRETER: Interpreter's note: We believe the witness was
2 indicating himself as far as the gesture made in the courtroom now meant.

3 MR. THAYER:

4 Q. Now, my question more specifically, sir, was when you testified
5 that you saw this gesture as a confirmation of what was already
6 happening, what were you referring to when you said that you saw it to be
7 a confirmation of what was already happening?

8 A. Well, it was a confirmation of what was going on in Potocari on
9 the 12th. In other words, all the men who had been separated were
10 already detained, so it was crystal clear only people who didn't want to
11 understand that couldn't understand what the fate of those separated men
12 would be and what the intention behind the separation was.

13 According to what Mr. Mladic and in the way in which he reacted
14 made it clear that there would be no difference in the fate between those
15 captured in Konjevic Polje and those who were already detained on the
16 12th and separated and that the same fate awaits them as that of those
17 who had been separated and detained in Potocari. This is what I had in
18 mind and that's what I said then and that's what I'm saying now.

19 Q. Just so we are completely clear, what is that fate, sir?

20 A. Well, their fate was that they would be put in detention and
21 later executed. That was the fate awaiting the men who had been captured
22 on that road.

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1

2 Q. Okay. I want to take you to the evening of 13 July. You've
3 already spoken a little bit about Colonel Beara. Can you tell the
4 Trial Chamber - and I won't review the account in your statement of
5 facts, just to save a little bit of time - but when Colonel Beara told
6 you that the prisoners were going to be transferred to Zvornik, had you
7 heard that before or were you learning it for the first time in your
8 conversation with Colonel Beara?

9 A. That was the first time that I heard that the prisoners from
10 Bratunac who had been separated in Potocari and temporarily detained in
11 Bratunac would be transferred to the territory of Zvornik.

12 Q. And when you drove up to the Zvornik Brigade command that evening
13 and then subsequently to the forward command post, can you tell
14 Trial Chamber, please, in as much detail as you can remember, what your
15 conversation was with Drago Nikolic at that IKM.

16 A. That was a very short meeting. Drago Nikolic and I did not
17 discuss any specific topics. I conveyed to Mr. Drago Nikolic only the
18 order issued to me by Mr. Ljubomir Beara. I said to him that I had been
19 sent by Mr. Beara to convey his order, that members who had been
20 separated, i.e., the men from Bratunac who had been separated and housed
21 in the facilities in Bratunac, would, during the day, be transferred to
22 Zvornik and that his task was to prepare the facilities and men who will
23 receive these prisoners. This is what I conveyed and that was actually
24 more or less the content of the order that I had received from
25 Colonel Beara.

1 I also told him at the end, because this conversation between
2 Drago Nikolic and me didn't last longer than five minutes, I turned my
3 vehicle, Drago came out in front of the forward command post, I told him
4 what I had to tell him, conveyed the order, and I also said that I had
5 information that these men who were being brought or taken to Zvornik
6 would be executed. This is what I said to Drago Nikolic.

7 After that, I sat in my car and returned with my escort to the
8 command of the Zvornik Brigade. This is where I dropped off the
9 policemen and that same evening, I proceeded back to Bratunac to the
10 command of my brigade.

11 Q. And the information that those prisoners would be executed, that
12 was part of the order that you received from Colonel Beara to transmit to
13 Drago Nikolic; correct?

14 A. Well, it was both information and order and everything that was
15 at that point in time already clear to everyone. On the afternoon of the
16 13th and on the evening of the 13th, it was clear to everyone - of course
17 I am referring to those who wanted to see things - that these men who
18 were separated were going to be put to death, and it was clear to
19 everyone, including myself. I passed on information that I had
20 information that these separated men were going to be executed.

21 Q. And what, if anything, did Drago Nikolic say to you in response
22 to this order that you were conveying from Colonel Beara?

23 A. Mr. Drago Nikolic made no comment at all. He simply said, since
24 he was at the forward command post, he said that he was going to report
25 and inform him command and then see what happens next. Of course, it was

1 only to be expected and it was only logical that he was going to carry
2 out the order that had been issued, but specifically Drago Nikolic didn't
3 say anything about that apart from the fact that he was going to report
4 to his command and act accordingly.

5 Q. Now, after you returned to Bratunac that evening, you reported --
6 you reported back to Colonel Beara that you had fulfilled the task that
7 he had given you and passed the order to Drago Nikolic; correct?

8 A. Yes, correct.

9 Q. And then Colonel Beara summons you to a meeting at the SDS
10 offices of Mr. Deronjic as a -- as you've stated in your statement of
11 facts; correct?

12 A. Yes, correct.

13 Q. Can you tell the Trial Chamber where physically you were during
14 this meeting?

15 A. The premises where the meeting took place is made up of two
16 rooms. One room is an office with a desk and the rest of it. The second
17 room, or the other room, had a small desk in it and where the secretary
18 of the president of the SDS was sitting. These two rooms have adjoining
19 doors. At that meeting that evening, my task was and I was requested to
20 go to the SDS office where we found the president of the SDS,
21 Mr. Miroslav Deronjic, there was also Mr. Beara, and Mr. Vasic, the chief
22 of MUP, was there as well. I did not take part either in the meeting --
23 the debate or the discussion directly.

24 I was sitting there in the office of the secretary and the --
25 this communicating door between these two rooms was simply open all the

1 time. At the beginning, there were arguments and there was shouting
2 between Mr. Deronjic and Mr. Beara. After that they all sat down and
3 continued to talk normally: Mr. Miroslav Deronjic, Mr. Beara, and
4 Mr. Dragomir Vasic. Everything that I said about what they discussed and
5 talked about is contained in my statement; therefore, I am reluctant to
6 repeat that, and I can confirm it today if necessary.

7 JUDGE AGIUS: Mr. Nikolic, why do you think it -- according to
8 you Mr. Beara summoned you to this meeting if you are not taking part in
9 it?

10 THE WITNESS: [Interpretation] Mr. President, I was born in
11 Bratunac. I took Mr. Beara to the offices of the SDS because, I suppose,
12 that he didn't know, or perhaps he did, but the only reason was that the
13 fact that Mr. Beara didn't know where the SDS offices were. I can only
14 construe it that way.

15 As for my participation in the meeting where you have the chief
16 of the security administration, the chief of the security centre, and the
17 deputy or Mr. Karadzic, is not such a level of a meeting that I would be
18 expected to make contribution to.

19 The man superior to me was Mr. Beara, so there was no place for
20 me to take part in a meeting where my boss from the top echelon of the
21 army is present. Therefore, I didn't take part in this meeting in any
22 capacity, but I did have an opportunity to hear everything that was being
23 discussed.

24 Now, if you're asking me whether it was necessary to discuss
25 these problems because there were huge problems in Bratunac, the risks

1 were high, the situation was terrible, and nobody slept that night;
2 therefore, it was necessary to undertake measures to try and place in a
3 way everything under control because everything was out of control and
4 there was total mayhem and anarchy in every respect.

5 JUDGE AGIUS: All right. And I may ask you the question myself
6 or Mr. Thayer could take over from me. In page 46, lines 6, 17, and 18,
7 you are recorded as stating here in the transcript:

8 "At the beginning, there were arguments and there was shouting
9 between Mr. Deronjic and Mr. Beara. After that they all sat down," et
10 cetera, "and continued to talk normally."

11 What were these arguments and what was this shouting about?

12 THE WITNESS: [Interpretation] The point was the status and the
13 fate of the prisoners who were in Bratunac and who, on that night of the
14 13th, were still arriving in buses and trucks from the direction of
15 Konjevic Polje. Miroslav Deronjic, as far as I could hear, asked for all
16 these prisoners to be taken away from Bratunac and that no executions
17 take place or abuses take place in Bratunac. He didn't want them there
18 any longer. That was his viewpoint.

19 During the conversation and this argument, he invoked the
20 decisions issued by President Karadzic saying that he had received
21 instruction, from President Karadzic how to deal with the prisoners who
22 were at present in Bratunac. Colonel Beara invoked the instructions he
23 received from his boss. I am not going to guess who his boss was, but I
24 can only imagine; and he claimed that he had totally different
25 instructions how to deal with prisoners who were in Bratunac at the

1 moment and who were arriving from Konjevic Polje by the minute.

2 So these were the issues that they started arguing and
3 quarrelling from the very outset. Later on, they sat at the table and
4 started discussing all other issues, such as how to secure the men who
5 were there, what to do because Bratunac was full of buses, trucks with
6 captured Muslims brought from Konjevic Polje, Bratunac. All the
7 facilities were fully packed, including the Vuk Karadzic elementary
8 school, the hanger, and all the other facilities. And they were full of
9 captured Muslims. This created a security risk for the town. So there
10 was total chaos. Nobody knew how to secure these people, and the
11 situation in the town of Bratunac became intolerable.

12 Later on, they tried to find a way to provide additional forces
13 and men who would secure the buses and the trucks, the schools, the
14 hangar, the secondary education centre; so they were looking for ways of
15 preventing any incidents because incidents were already starting to
16 happen. People were taken off the buses, and there were individual
17 killings.

18 As I said, the situation was very bad. It was horrible both in
19 the town and in the facilities where the detainees were being kept.

20 JUDGE AGIUS: Thank you, Mr. Nikolic. There are two further
21 short questions I would like to put to you in relation to what you have
22 just testified. Line -- page 48, lines 9 to 12, you said:

23 "During the conversation and this argument, Deronjic invoked the
24 decisions issued by President Karadzic saying that he had received
25 instructions from President Karadzic how to deal with the prisoners who

1 were present in Bratunac."

2 Can you be more specific? Did he explain, did he specify what
3 these instructions from President Karadzic were in relation to prisoners
4 with being brought or being present in Bratunac at the time?

5 THE WITNESS: [Interpretation] Mr. Miroslav Deronjic, in addition
6 to other things, but the most important request that he made, and let me
7 be quite clear, invoked not the decisions but the instructions that he
8 had received. I don't know the nature of these instructions, I've never
9 seen them. I suppose that those were instructions passed on to him
10 orally because I had never seen any such instruction.

11 So he invoked the instructions received from President Karadzic,
12 and the essence of these instructions was that the prisoners from
13 Bratunac be transferred to Zvornik. That was the essence of it.
14 Mr. Deronjic insisted that no single man should be executed or killed in
15 the territory of Bratunac municipality. Whether he knew more than that,
16 I'm -- wouldn't like to speculate, but this is -- and I'm just conveying
17 to you what I heard with my own ears.

18 JUDGE AGIUS: Okay. And on a similar matter, then you continued
19 saying:

20 "Colonel Beara invoked the instructions he received from his
21 boss. I'm not going to guess who his boss was, but I can only imagine,
22 and he claimed that he had totally different instructions on how to deal
23 with prisoners who were in Bratunac at the moment and who were arriving
24 from Konjevic Polje by the minute."

25 So was he specific? Could you enlighten us on what -- on the

1 essence or the nature of these instructions that Beara claimed to have
2 had received from his superiors, from his boss?

3 THE WITNESS: [Interpretation] I honestly cannot because Mr. Beara
4 never mentioned the content of the instructions received from his boss,
5 but it was evident that they were different from the instructions
6 received of him from Mr. Deronjic; and that is what created a clash
7 between the two; but I cannot say that he the ever went into any details
8 about the instructions that he had received from his boss.

9 JUDGE AGIUS: Thank you, Mr. Nikolic.

10 MR. THAYER:

11 Q. Well, sir, let's not dwell on the details. The fact is from what
12 you were overhearing, Colonel Beara was arguing with Mr. Deronjic, and
13 Colonel Beara was talking about his orders to have these orders killed;
14 correct?

15 A. In my statement -- in my first testimony, actually, I said about
16 this meeting what you just mentioned. That was a meeting where it was
17 openly discussed what the fate of these prisoners would be or, in other
18 words, about the killing of these prisoners. Miroslav Deronjic - what I
19 managed to overhear - opposed this idea of these men being killed in
20 Bratunac. The fate of these men was at stake, and they wanted to make a
21 decision what to do with them. Miroslav Deronjic was opposed to the idea
22 to keep these men in Bratunac any longer and to be executed in Bratunac.
23 That was the essence of the discussion in this meeting. And for the
24 first time, I was present at a meeting where the killing of these men in
25 Bratunac was openly discussed.

1 Q. And Mr. Deronjic indicated, did he not, that he was going to
2 report back to President Karadzic regarding the outcome of this meeting
3 and the discussions?

4 A. I don't know about that. I don't know. Whether he sent in
5 reports or to whom he sent any reports, whether Mr. Deronjic sent a
6 report to his president, whether Mr. Beara and Mr. Vasic reported to
7 their superiors, I don't know. I never saw such reports dealing with
8 these matters; and, therefore, I cannot confirm. All I can say is what I
9 already told you, and that is that during the conversation they invoked
10 in the instructions given by their respective superiors. That is what I
11 saw and heard. Whether they wrote subsequent reports or not and sent
12 them to their superiors, I don't know.

13 Q. Well, sir, I am not specifically referring to written reports. I
14 am simply referring to the discussion from what you overheard entailed
15 these participants indicating that they would inform their superiors of
16 the outcome of this discussion. Whether or not it was in written form,
17 it was clear to you that the participants had their respective superiors
18 to whom they were going to report on the outcome of these discussions;
19 correct?

20 A. I can only assume that that was the case.

21 Q. Now, sticking with the night of the 13th of July and what was
22 going on in Bratunac, specifically the facility of the Vuk Karadzic
23 school, the old school, and the hangar there, you received some
24 information from Dragan Mirkovic concerning the number of Muslims who
25 were killed that evening, who had been detained in the hangar and in

1 buses in that area; did you not?

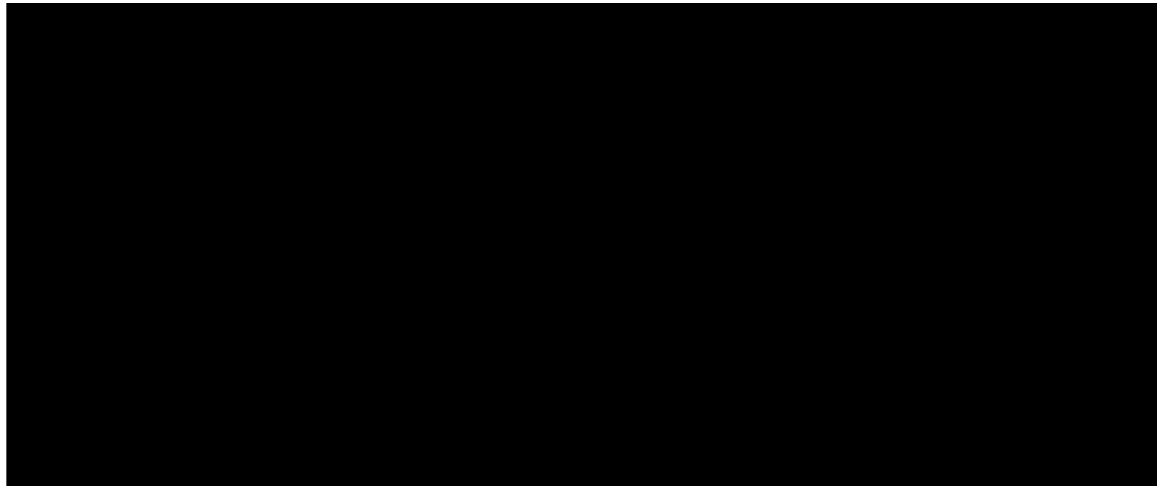
2 A. Yes, I subsequently learned what took place on the 13th of July
3 in the evening in the hangar and the buildings there. I never
4 mentioned -- well, as far as I know, the murders did not take place at
5 the Vuk Karadzic primary school. The murders took place at the hangar
6 and its environs. According to what I know, there were no murders in the
7 school, murders of those who had been captured and accommodated there.

8 The information stated in the statement of fact is correct; and
9 that is to say, that I learned from Dragan Mirkovic later that in that
10 part of the hangar that between 80 and 100 people were killed in his
11 assessment.

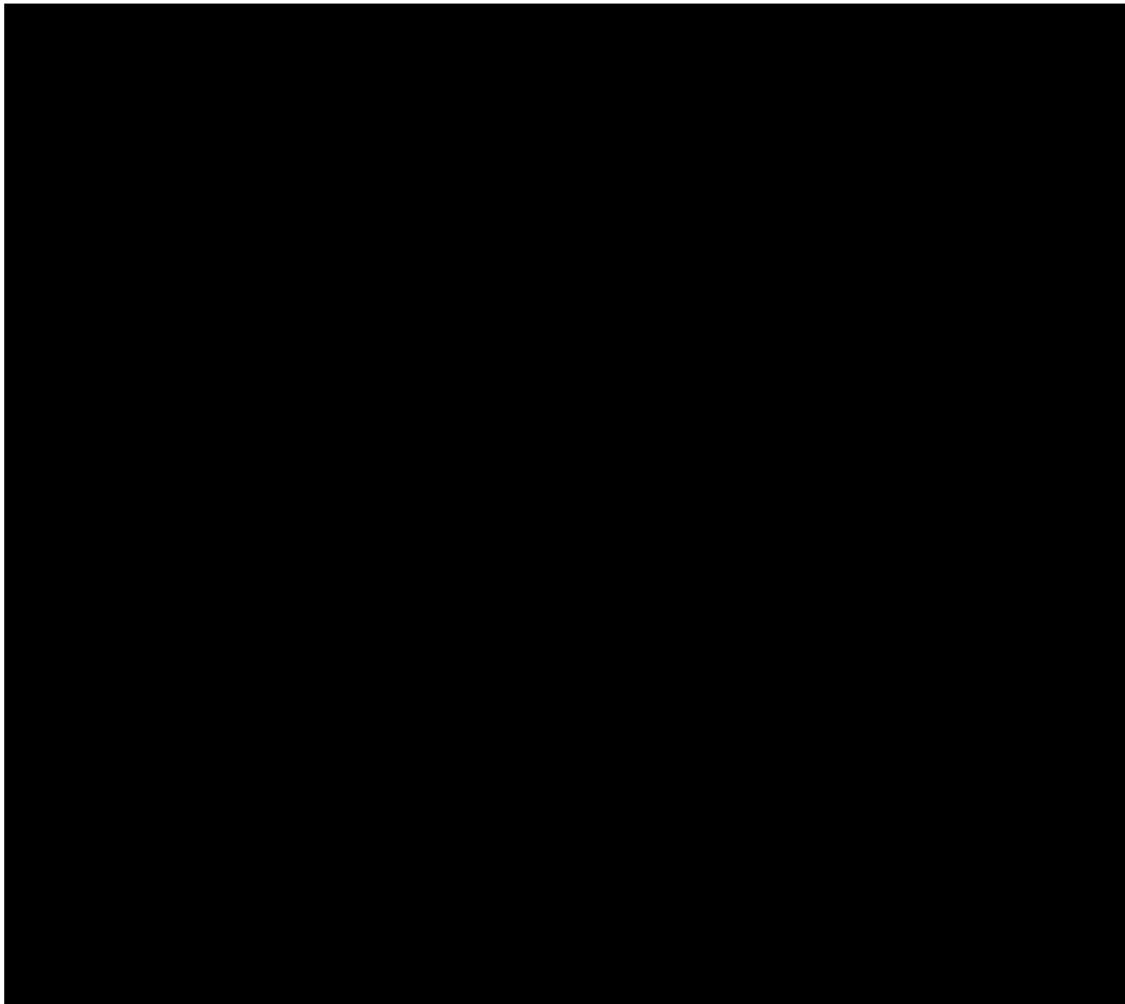
12 Q. And how soon after these events did Mr. Mirkovic give you this
13 information?

14 A. A while. It wasn't 7 or 15 days later, but after an interval. I
15 can't say precisely how long, but it was a bit after the event of the
16 13th.

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19 MR. THAYER: May I proceed, Mr. President.
20 JUDGE AGIUS: Yes, please.
21 MR. THAYER:
22 Q. Good afternoon, Mr. Nikolic.
23 A. Good afternoon.
24 Q. I just want to pick up where we left off. You had told us about
25 in the circumstance where prisoners were captured, and they -- their

1 names show up on a missing list. In those cases, you could deduce that
2 there had been a summary execution. I want to take you back to what you
3 specifically told us in this recorded interview, and I'll just read to
4 you the question and answer during the course of the interview, and you
5 can tell us whether this is what you have in mind.

6 You were shown a Bratunac Brigade daily combat report, and there
7 is a reference to, and I'll quote:

8 "A small part of the enemy force are still surrounded in the area
9 of Bokcin Potok."

10 And Mr. Nikolic asked you the question:

11 "So over the next few days were the prisoners still being
12 captured in this area?"

13 Your answer was:

14 "Yes."

15 And for my friends, this is at page 119 and 120 of the 2003
16 interview.

17 Mr. McCloskey asked:

18 "And what was happening to these captured prisoners?"

19 And your answer was:

20 "They were killed and no one of them were brought. As far as I
21 know, no one was brought and detained."

22 Mr. McCloskey followed up and asked:

23 "Where were they killed?"

24 And you answered:

25 "Probably in the place, the various places where they were

1 captured."

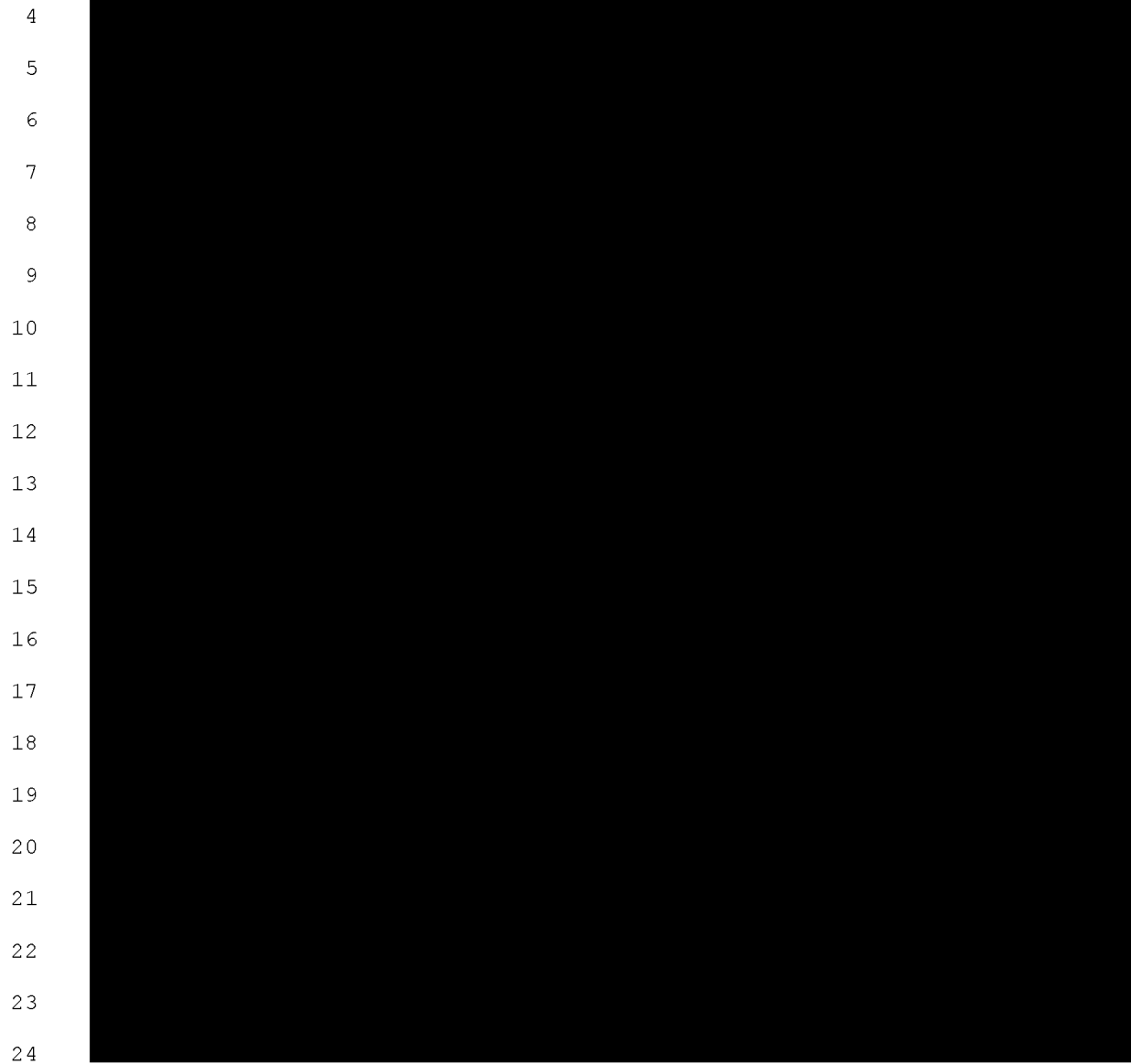
2 Now, my first question is: Do you recall that question and
3 answer, and do you stand by your statements there?

4 A. Yes, I do recall it, and I stand by my statement. I would like
5 to clarify, briefly if I may. The way the questions were interpreted to
6 me appeared quite hypothetical in their nature to me. As I said then and
7 I do now, I believe that during the searches when people were being
8 captured in the course of combat, I have no information that the people
9 who had been captured in the area of Bokcin Potok and elsewhere of them
10 being brought to the Bratunac Brigade. The question is: What happened
11 with them? Logically, if they were not brought to the brigade and they
12 are no longer alive, of course they were executed in situ. That is
13 certain. I was not a witness to that, I did not participate in the
14 sweeps, but I state with certainty that those people who were arrested
15 there, captured there, without being brought anywhere were killed. That
16 is my final answer. I have nothing else to say.

17 Q. And particularly in your role of intelligence chief for the
18 brigade, and just given the amount of information that you were receiving
19 during this period of time, you were picking up information, were you
20 not, whether it was a specific site or otherwise, but you were hearing
21 reports of such summary executions following the fall of Srebrenica
22 during these sweeps. Can we agree on that?

23 A. We only disagree in the part referring to any reports. Never in
24 any report did I see which stated that anyone was liquidated. However,
25 we do agree that the people who were captured there and who did not

1 appear anywhere else, i.e., that there is specific information that
2 people had been captured and later on went missing, I agree that they
3 were killed onsite.



25 A general conclusion would be in all matters similar to this is

1 that people who have been captured and went missing later on are dead,
2 killed. That's all I can tell you. Don't ask me to arrive at any other
3 conclusions, because I did not have information about this. I think it
4 is the first time I see this document, and I do not wish to comment.

5 Q. Let's move to the reburial operation, sir.

6 MR. THAYER: And if we could have P00219 on e-court, please.

7 Q. And sir, I have the original, I think it will be easier for you
8 to look at. So I ask Madam Usher to kindly hand that up to you. Thank
9 you.

10 Do you recognise what this document is, sir?

11 A. Yes, I do.

12 Q. Can you tell the Trial Chamber what it is, please.

13 A. This is a document which contains reports or briefings from the
14 meetings of the 1st Bratunac Light Infantry Brigade.

15 Q. I'd like to turn your attention to the entry for October 16,
16 1995. If you could find that. That's page 24 of the B/C/S on e-court,
17 page 11 of the English translation. And I would draw your attention,
18 sir, when you find the October 16th page to the -- towards the bottom of
19 the page.

20 If you look at the bottom of the page, sir, there is an
21 eight-digit number. Have you found it? October 16th.

22 A. Yes, yes. I've found it. 16th of October, 1995.

23 Q. Under your name, it says:

24 "We are currently engaged in tasks issued by the
25 Army of Republika Srpska Main Staff."

1 And then you've written a word in place of in parenthesis. What
2 is that word, sir?

3 A. Let me just first correct you. It wasn't me who wrote this.
4 This was written by the minute taker, but these are my words quoted here.

5 Yes, it's correct, we are currently engaged in tasks issued by
6 the Main Staff of the Army of VRS, in parenthesis, "asanacija," in B/C/S.

7 Q. And what are -- what you are referring to here, sir, when you
8 wrote "asanacija"?

9 A. I'm referring to the task that was underway in those days, and it
10 involves the removal or relocation and re-digging of graves from the area
11 of Glogova village and relocations to secondary graves in the area of
12 Srebrenica municipality.

13 Q. And why did you report at this command meeting that these
14 reburial tasks had been issued by the Main Staff?

15 A. Because at the very beginning of this operation, I heard from
16 both my commander and Mr. Popovic that this task had to be carried out
17 and that it had been ordered by the Main Staff of the VRS. So this is
18 the information that I heard from Mr. Popovic and Mr. Vidoje Blagojevic.
19 I just need to add one thing more, for clarity. The operation of
20 relocation of graves was dubbed, in my brigade, under the title of
21 "asanacija." I don't know who designated this terminology, but I was
22 instructed to do so. During conversations and debriefings with my
23 commander, I always used this term.

24 Q. And based on your experience in the military, what was your
25 understanding of the regular usage of the term "asanacija" to mean?

1 A. As far as I know, "asanacija," and in my view this is not a
2 proper term. I know exactly what "asanacija" of terrain involves and
3 what it means, but in this particular instance, it is not entirely
4 proper. But, on the other hand, it envisaged certain sweeping of the
5 area, of the terrain, and removal of things -- of something that existed
6 there.

7 Under normal circumstances, the "asanacija" of the terrain would
8 involve the moping-up of the battle-field where operations had been
9 carried out before, including the removal of the dead, the burial of the
10 dead, or the people or the dead animals. So the "asanacija" of the
11 entire battle-field would be an effort to bring this area into its
12 previous state. That would be the shortest explanation of what true
13 "asanacija" involves.

14 In this case, this involved relocation, the bodies buried in this
15 big grave to secondary graves in the area of Srebrenica municipality.

16 Q. And can you tell the Trial Chamber, please, how this task was
17 given to you by Colonel Popovic?

18 A. I'm going to be very accurate. Mr. Popovic and I had a contact
19 sometime in September, I don't know exactly the date or the day, in my
20 brigade; but I know that it was sometime in September. Mr. Popovic said
21 on that occasion that there was an order from the Main Staff for the
22 relocation of the grave in Glogova.

23 Furthermore, he told me that pursuant to this order, the command
24 of the Drina Corps received an order to initiate the whole action and
25 that the task of the Drina Corps command or the security organ of the

1 Drina Corps precisely to ensure, for this operation, the necessary
2 quantities of fuel and that this fuel provided from the resources of the
3 Drina Corps should be stored into proper storage areas or gas stations,
4 and that the security organ of the brigade, that is me, had the task to
5 monitor the consumption of the fuel. After the task had been completed,
6 my duty was to send a written report justifying the use of petrol and
7 fuel oil that had been received from the Drina Corps.

8 And, of course, in view of everything I have just told you, I can
9 tell you that I had never seen a written order to this effect. I never
10 discussed this with my commander asking him whether he had such an order
11 or not, but judging by the reaction of the my commander, I am convinced
12 and I am sure that the same order went down the command line and that my
13 commander knew what the next task would be with relation to the
14 re-digging of these graves.

15 I can also add that after this, my commander and I simply did
16 everything that we had been asked to do in relation to these reburials,
17 and this operation involved a lot of people, a lot of resources, assets,
18 vehicles, and everything else that was needed. And to put it simply,
19 this task took a long time to complete, perhaps even the whole month with
20 some interruptions. About everything that happened, I reported to the
21 commander of the Bratunac Brigade at meetings, which is evident from this
22 record. And, finally, all the tasks given to me, primarily to take care
23 of the fuel, I supported by provided books to the Bratunac Brigade
24 showing all the quantities of fuel used, and we were obliged to replenish
25 these quantities that were used.

1 After the operation was over, I packed up all these books and
2 sent it to the brigade. One copy was left in the safe of the security
3 organ. There were also some other documents, such as working log,
4 records of the vehicles, records of people who were involved and
5 participating in the operation. In a word, everything that had to do
6 with the operation and its execution.

7 This is what I can tell you to the best of my recollection about
8 all this.

9 Q. You told us, sir, that you were convinced that your commander had
10 received the same order that you did concerning the reburial operation.
11 Why are you convinced of that?

12 A. I was convinced because, at least in my Bratunac Brigade, nothing
13 could have happened without the knowledge of the commander. It was
14 impossible for a security organ to do something or to use the brigade
15 resources or to use the MP unit that I used, for example, to use vehicles
16 or any other resources without the approval of the brigade commander.
17 That was practically impossible scenario.

18 Furthermore, I am also convinced due to the fact that my
19 commander knew, and I can say for certain, more than I knew about the
20 organisation, the preparations, the resources, the assistance that we
21 expected to come from the engineers battalion of the Drina Corps
22 regarding the engagement of machines, et cetera. All of this indicated
23 to me that my commander was aware of this task, that he knew what was to
24 be done, and that he knew who he was to cooperate with in performing this
25 task. Therefore, I am absolutely convinced that he knew about this

1 before I knew anything about this. And I feel the need to say one more
2 thing.

3 This operation was allegedly to be a covert operation, so secret
4 operation. However, everything that took place during the operation in
5 view of the number of men who were involved, the number of vehicles, the
6 number of machineries; the number of laborers who were engaged to work,
7 the people who were engaged to provide security, meaning from the
8 civilian structures, police, military police, of army; everything that
9 took place there cannot be and could not be kept a secret despite of the
10 original intention.

11 As it turns out, everything was done openly, overtly, and
12 publically, and in a nutshell everyone knew what was going on and what
13 was being done.

14 Q. Sir, I want to switch topics now and go back a little to the
15 months preceding the Krivaja 95 operation. I just want to reorient your
16 recollection a little in that direction.

17 You testified in the Blagojevic case, and this is at the
18 transcript page 1635, that the final objective was to make life
19 unbearable for the people in the enclave, to make it impossible for them
20 to live on, and as a consequence people would then eventually leave the
21 enclave. And I want to spend a little bit of time talking about what
22 your brigade did, for example, in connection with achieving that
23 objective prior to the Krivaja 95 operation. For example, you testified
24 in Blagojevic about sniping into the enclave prior to the Krivaja 95
25 operation.

1 Can you tell the Trial Chamber about the sniping from the
2 brigade?

3 A. Yes. In this testimony of mine, I spoke about a number of
4 circumstances that led to a conclusion to be made that the ultimate goal
5 was to create intolerable conditions, and thus obliterate the population
6 of the whole enclave.

7 The sniping had to do with members of the Bratunac Brigade and
8 units that were in direct contact. Actually, they were the ones who were
9 encircling the enclave. Of course, it was -- this was not only the
10 Bratunac Brigade, there were other units there deployed on the border
11 with Srebrenica, and primarily this was the Skelani battalion and -- and
12 the Milici Brigade.

13 During the period when Srebrenica was declared a demilitarised
14 zone, this problem became more prominent. During that time, I was a
15 communications officer in the Bratunac Brigade; and most of the time I
16 contacted with the DutchBat officers as well as representatives of all
17 other international organisations operating in Srebrenica. I was
18 constantly being criticised, and I think justly criticised, for the
19 sniping activities targeting the targets that were not of military
20 nature.

21 These problems involved shooting from snipers on people beyond
22 the lines, and in most cases those were civilians working in the fields
23 or doing some other business. I, myself, did my best to prevent this,
24 but I wasn't very successful because quite simply there was no
25 cooperation in many segments regarding this issue; and we do not all

1 agree that the sniping should not take place and that civilians should
2 not be targeted. So that was one of the segments which was conducive to
3 the creation of a difficult life for people living in the enclave, by
4 preventing them from doing their everyday works and duties. There was
5 the attitude towards civilians, but there were also aspects or other
6 activities that prevented representatives of the Dutch battalion and the
7 international organisations who took care of the situation in the
8 enclave.

9 There were such acts that contributed to the fact that these
10 international organisations and Dutch battalion become or were rendered
11 incapacitated for carrying out their mandate in the enclave. First of
12 all, I have in mind the absolute and total blockade of -- put on supply
13 lines, first of all to the Dutch battalion, starting from food, weapons,
14 equipment, ammunition, and everything else that in total contributes to
15 full combat readiness of a unit and its capacity to do its job that it's
16 deployed to do. This blockade was effected by stopping the entry into
17 Srebrenica by convoys, the prevention of rotation of units and companies
18 that were replaced periodically, preventing the supply of fuel for PCP --
19 APCs, and other vehicles that the Dutch troops had. There were also
20 other attempts to prevent them from going at meetings -- to attend
21 meetings with their command in Sarajevo, et cetera, et cetera.

22 I believed at the time that that was a very unfair and
23 unprofessional attitude towards them. And, of course, I must clarify one
24 more thing, and that is the conduct of my commander. Before the attack
25 on the enclave was launched, I am talking about Mr. Ognjenovic, in an

1 information in which he addressed members of the Bratunac Brigade,
2 everything that I spoke about as kind of a negative occurrences and
3 unacceptable behaviour, he described in his information; and he asked
4 them to make the people for -- make the life for people living there even
5 worse and to create such intolerable conditions that would force them to
6 leave the area.

7 Q. Well, before we break let's look at P03177, please. And I have
8 the original here for you if that helps.

9 JUDGE KWON: Mr. Thayer, he was talking about Mr. Blagojevic
10 instead of Ognjenovic.

11 MR. THAYER: I'll --

12 JUDGE KWON: Can he confirm --

13 MR. THAYER: Well, I'll let the witness develop this point, and I
14 think we're going to answer your question, Your Honour.

15 THE WITNESS: [Interpretation] Yes, I've seen it. So, yes.

16 MR. THAYER:

17 Q. Now, you referred to your commander as Commander Ognjenovic.
18 When he was commander of your brigade, sir, if you can just roughly give
19 us the years?

20 A. I don't know the exact period, but definitely sometime in 1994.
21 He was my commander on two occasions, but I'm quite sure that it was in
22 1994 and for some period in 1995; but I don't know is the exact dates of
23 his coming and going because he was appointed twice, and he was removed
24 twice.

25